

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

ROBERT D. BROWN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 07-23 (SLR)
	)	JURY OF 12 DEMANDED
WILMINGTON POLICE OFFICER RINEHART,	)	
WILMINGTON POLICE OFFICER DRYSDALE,	)	
	)	
Defendants.	)	

**DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

For the reasons stated in Defendants' Opening Brief in Support of Their Motion for Summary Judgment , and there being no disputed issues of any material facts, Defendants hereby move this Honorable Court to issue an Order granting summary judgment based on the following grounds:

1. Defendant Drysdale had no personal involvement in Plaintiff's arrest. Therefore, Plaintiff cannot maintain a cause of action under §1983 against Defendant Drysdale.
2. Further, Defendant Rinehart is entitled to qualified immunity for the actions he undertook in Plaintiff's arrest. Therefore, he cannot be held liable under §1983.

WHEREFORE, Defendants respectfully request that the Court enter an Order granting summary judgment and dismissing the Plaintiff's Complaint.

/s/ Rosamaria Tassone  
Rosamaria Tassone, Esq. (I.D. #3546)  
First Assistant City Solicitor  
Louis J. Redding City/County Bldg.  
800 N. French St., 9<sup>th</sup> Flr.  
Wilmington, DE 19801  
Attorney for Defendants

Dated: March 7, 2008

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Plaintiff,	)	
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WILMINGTON POLICE OFFICER DRYSDALE,	)	
	)	
Defendants.	)	

**ORDER**

\_\_\_\_\_This \_\_\_\_\_ day of \_\_\_\_\_, 2008, the Court having considered Defendants' Motion for Summary Judgment and Opening Brief in Support of Their Motion for Summary Judgment , and any opposition thereto,

It is HEREBY ORDERED that Defendants' Motion is hereby GRANTED and Plaintiffs' Complaint is hereby dismissed.

		<b>J.</b>
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Defendants.	)	

CERTIFICATE OF SERVICE

I, Rosamaria Tassone, Esquire, hereby certify that on this 7<sup>th</sup> day of March, 2008, I electronically filed Defendants' Motion for Summary Judgment with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following and that these documents are available for viewing and downloading from CM/ECF. A copy of the document was mailed to the following individual:

Robert D. Brown  
Inmate Number 231393  
Howard R. Young Correctional Institution  
P.O. Box 9561  
Wilmington, DE 19809

/s/ Rosamaria Tassone  
Rosamaria Tassone (I.D. #3546)  
City of Wilmington Law Department  
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